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Working Group on Children and Armed Conflict

Conclusions on children and armed conflict in Nigeria

1. At its 67th meeting, on 3 August 2017, the Working Group on Children and Armed Conflict examined the first report of the Secretary-General on children and armed conflict in Nigeria (S/2017/304), covering the period from January 2013 to December 2016, which was introduced by the Special Representative of the Secretary-General for Children and Armed Conflict. The Deputy Permanent Representative of Nigeria also addressed the Working Group.

2. The members of the Working Group welcomed the report of the Secretary-General, submitted in accordance with Security Council resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014) and 2225 (2015), and took note of the analysis and recommendations contained therein.

3. The members of the Working Group welcomed the steps taken by the Government of Nigeria to strengthen the protection of children affected by armed conflict, in particular through the inclusion of specific child protection provisions in the revised code of conduct and rules of engagement of the Nigerian security forces, and encouraged the Government to continue these efforts. The members of the Working Group also acknowledged progress in the United Nations dialogue with the Civilian Joint Task Force and welcomed the signing of an action plan by the Task Force in September 2017 to end and prevent child recruitment. The members strongly condemned all violations and abuses committed against children in armed conflict in Nigeria and condemned in the strongest possible terms the continuing violations and abuses committed against children by Boko Haram.

4. Further to the meeting, and subject to and consistent with applicable international law and relevant Security Council resolutions, including resolutions 1612 (2005), 1882 (2009), 1998 (2011), 2068 (2012), 2143 (2014) and 2225 (2015), the Working Group agreed to the direct action as set out below.

Public statement by the Chair of the Working Group

5. The Working Group agreed to address a message, through a public statement by the Chair of the Working Group, to all the parties to the armed conflict, including Jama'atu Ahlis Sunna Lidda'Awati Wal-Jihad (commonly known as Boko Haram), the Nigerian security forces and the Civilian Joint Task Force:

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All parties to the armed conflict

(a) Strongly condemning all violations and abuses committed against children in Nigeria and neighbouring countries affected by the actions of Boko Haram, and urging all parties to the armed conflict to immediately end and prevent all violations of applicable international law involving the recruitment and use of children, abduction, killing and maiming rape and other forms of sexual violence, attacks on schools and hospitals and denial of humanitarian access and to comply with their obligations under international law;

(b) Strongly urging all parties to the armed conflict to immediately and without preconditions release all children associated with them and end and prevent further recruitment and use of children;

(c) Expressing deep concern about the high number of children killed or maimed, as a direct or indirect result of hostilities between parties to the armed conflict and of incidents of indiscriminate attacks against the civilian population, including those involving aerial bombardment, and calling upon all parties to respect their obligations under international humanitarian law, in particular the principles of distinction and proportionality enshrined therein and to ensure a prompt investigation into these attacks and public reporting thereon;

(d) Expressing grave concern about the high number of rapes and other forms of sexual violence perpetrated against children, including displaced children, urging all parties to the armed conflict to take immediate and specific measures to put an end to and prevent the perpetration of rape and other forms of sexual violence against children by members of their respective groups, and stressing the importance of accountability for those who commit sexual violence against children;

(e) Calling upon all parties to the armed conflict to comply with applicable international law and to respect the civilian character of schools and hospitals, including their personnel, and to end and prevent attacks or threats of attacks against those institutions and their personnel, as well as the military use of schools and hospitals, in violation of applicable international law;

(f) Calling upon all parties to the armed conflict to allow and facilitate full, safe and unhindered humanitarian access to children consistent with the United Nations guiding principles of humanitarian assistance, respect the exclusively humanitarian nature and impartiality of humanitarian aid and respect the work of all United Nations humanitarian agencies and their humanitarian partners, without distinction;

(g) Stressing the importance of accountability for all violations and abuses against children in armed conflict;

Government of Nigeria

(h) Welcoming the inclusion of specific child protection provisions in the revised code of conduct and rules of engagement of the Nigerian security forces and calling upon the Government of Nigeria and the Nigerian security forces to ensure that these documents are swiftly adopted and widely disseminated to all security forces;

(i) Welcoming the establishment of a human rights desk at the Nigerian army headquarters and encouraging the inclusion of dedicated child protection capacity to investigate violations and abuses against children in order to end impunity;

(j) Welcoming the Abuja Action Statement signed by Nigeria, Cameroon, Chad and Niger in June 2016, including the commitments to pay particular attention

to the needs of children at risk, including unaccompanied and separated children and children at risk of exposure to sexual and gender based-violence, child recruitment, forced marriage, exploitation and abuse; and ensure referral to appropriate services, such as psychosocial support and post-traumatic services;

(k) Calling upon the Government of Nigeria to facilitate the implementation of the action plan signed by the Civilian Joint Task Force to immediately and without preconditions facilitate the release of all children associated with the Task Force and end and prevent further recruitment and use of children, including rerecruitment of children who have been released;

(l) Encouraging the Government of Nigeria to focus on sustainable reintegration and rehabilitation opportunities for children affected by armed conflict, in particular those who have been formerly associated with Boko Haram and the victims of abductions and of sexual violence, including raising awareness and working with communities to avoid stigmatization of these children and facilitate their return, while taking into account the specific needs of girls and boys;

(m) Calling on the Government to continue its efforts to address impunity by ensuring that all perpetrators of violations and abuses against children are swiftly brought to justice and held accountable, including through timely and systematic investigation and prosecution, the results of which are made public, and ensure that all victims have access to justice as well as to the medical and support services that they need;

(n) Expressing concern at the allegations of rape and other forms of sexual violence, including sexual exploitation and abuse, by members of security forces and calling on the Government of Nigeria to promptly investigate all such allegations;

(o) Welcoming that the Government is providing access to the United Nations to some detention facilities and strongly encouraging regular access to children deprived of liberty for alleged association with Boko Haram, including those in military detention facilities;

(p) Expressing grave concern regarding the detention of children on national security-related charges, as well as the use of detained children for information-gathering purposes, and calling on the Government to guarantee due process for all children detained for association with armed groups, recalling that children should be treated primarily as victims, and that in all acts concerning children the best interest of the child shall be a primary consideration, and urging the Government to comply with its obligations under the Convention on the Rights of the Child, in particular that the deprivation of liberty for children should be used only as a measure of last resort and for the shortest appropriate period;

(q) Encouraging the Government to adopt a protocol for the handover of children encountered during the course of military operations to civilian child protection authorities;

(r) Commending the Government of Nigeria for its endorsement of the Safe Schools Declaration while expressing concern about the military use of schools by government forces in violation of its obligations under international law, stressing the importance of access to education and health care for children in Nigeria, and calling upon it to ensure that schools and related personnel are protected;

Boko Haram

(s) Condemning in the strongest possible terms the continuing violations and abuses committed against children by Boko Haram, and strongly urging Boko Haram to immediately end all violations and abuses against children and to immediately

release without preconditions all children and end and prevent further recruitment and use of children, including rerecruitment of children who have formerly been released;

(t) Expressing grave concern at the large numbers of children who have been recruited and used, including through cross-border recruitment, the use of children as human shields and the increasing use of girls as suicide bombers, killed or maimed, including through suicide attacks in Nigeria and neighbouring countries, as well as the high number of rapes and other forms of sexual violence, forced religious conversions and forced marriage perpetrated against children by Boko Haram;

(u) Strongly condemning the targeting of schools and the scale of attacks on schools and threats of attacks on schools and their personnel as a distinct tactic by Boko Haram;

(v) Urging Boko Haram to cease the abduction of children, including cross-border abductions, and all violations and abuses committed against abducted children, and to immediately release without preconditions all abducted children in their captivity;

(w) Recalling that the Security Council, by its resolution 2368 (2017), reaffirmed the assets freeze, travel ban and arms embargo affecting all individuals and entities, among whom Boko Haram, set out in paragraph 1 of resolution 2083 (2012);

(x) Expressing the readiness of the Working Group to communicate to the Security Council and to the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities pertinent information with a view to assisting them in the imposition of the sanctions on perpetrators;

Civilian Joint Task Force

(y) Welcoming the signature of an action plan by the Civilian Joint Task Force in September 2017 to end and prevent child recruitment and use, and calling upon the Task Force to speedily implement the action plan and cease the recruitment and use of children, including for intelligence-related purposes, and to immediately and without preconditions release all children associated with the Task Force and end and prevent further recruitment and use of children, including rerecruitment of children who have been released;

(z) Expressing concern at the allegations of rape and other forms of sexual violence by members of the Civilian Joint Task Force and urging the Task Force to take immediate and specific measures to put an end to and prevent the perpetration of rape and other forms of sexual violence against children by its members.

6. The Working Group agreed to address a message, through a public statement by the Chair of the Working Group, to community and religious leaders:

(a) Emphasizing the important role of community and religious leaders in strengthening the protection of children affected by armed conflict;

(b) Urging them to publicly condemn and continue to advocate ending and preventing violations and abuses against children, in particular those involving the recruitment and use of children, rape and other forms of sexual violence against children, abductions, attacks and threats of attacks against schools and hospitals; and to engage with the Government, the United Nations and other relevant stakeholders to support the reintegration and rehabilitation of children affected by armed conflict in their communities, including by raising awareness to avoid stigmatization of these children.

Recommendations to the Security Council

7. The Working Group agreed to recommend that the President of the Security Council transmit a letter addressed to the Government of Nigeria:

(a) Welcoming the inclusion of specific child protection provisions in the revised code of conduct and rules of engagement of the Nigerian security forces and calling upon the Government of Nigeria and the Nigerian security forces to ensure that these documents are swiftly adopted and widely disseminated to all security forces;

(b) Welcoming the establishment of a human rights desk at the Nigerian army headquarters and encouraging the inclusion of dedicated child protection capacity to investigate violations and abuses against children in order to end impunity;

(c) Calling upon the Government of Nigeria to facilitate the implementation of the action plan signed by the Civilian Joint Task Force to immediately and without preconditions facilitate the release of all children associated with the Task Force and end and prevent further recruitment and use of children, including rerecruitment of children who have been released;

(d) Encouraging the Government to continue its efforts to prevent recruitment and use of children in the Civilian Joint Task Force, including through the facilitation of strong age assessment mechanisms in the recruitment process, and urging the Government to consider the strengthening of birth registration in the conflict-affected states as a priority to prevent child recruitment and use;

(e) Stressing the primary role of the Government of Nigeria in providing protection and relief to all children affected by armed conflict in Nigeria, and recognizing the importance of strengthening national capacities in this regard;

(f) Encouraging the Government of Nigeria to focus on sustainable reintegration and rehabilitation opportunities for children affected by armed conflict, in particular those who have been formerly associated with Boko Haram and the victims of abductions and of sexual violence, including raising awareness and working with communities to avoid stigmatization of these children and facilitate their return, while taking into account the specific needs of girls and boys;

(g) Stressing the importance of accountability for all violations and abuses against children in armed conflict, and calling on the Government to continue its efforts to address impunity by ensuring that all perpetrators of violations and abuses are swiftly brought to justice and held accountable, including through timely and systematic investigation and prosecution, the results of which are made public, and ensure that all victims have access to justice as well as to the medical and support services that they need;

(h) Expressing concern at the allegations of rape and other forms of sexual violence, including sexual exploitation and abuse, by members of security forces, and calling on the Government of Nigeria to promptly investigate all such allegations;

(i) Welcoming that the Government is providing access to the United Nations to some detention facilities, and strongly encouraging regular access to children deprived of liberty for alleged association with Boko Haram, including those in military detention facilities;

(j) Expressing grave concern regarding the detention of children on national security-related charges, as well as the use of detained children for information-gathering purposes, and calling on the Government to guarantee due process for all children detained for association with armed groups, recalling that children should be treated primarily as victims and that in all actions concerning children the best interest

of the child shall be a primary consideration, and urging the Government to comply with its obligations under the Convention on the Rights of the Child, in particular that the deprivation of liberty for children should be used only as a measure of last resort and for the shortest appropriate period;

(k) Encouraging the Government to adopt a protocol for the handover of children encountered during the course of military operations to civilian child protection authorities;

(l) Commending the Government of Nigeria for its endorsement of the Safe Schools Declaration, while expressing concern about the military use of schools by Government forces in violation of its obligations under international law and stressing the importance of access to education and health care for children in Nigeria, and calling upon it to ensure that schools and related personnel are protected;

(m) Inviting the Government of Nigeria to keep the Working Group informed of its efforts to implement the recommendations of the Working Group and the Secretary-General, as appropriate.

8. The Working Group agreed to recommend that the President of the Security Council transmit a letter to the Secretary-General:

(a) Inviting the Secretary-General to ensure that the United Nations country task force on monitoring and reporting strengthens its monitoring and reporting activities;

(b) Requesting the Secretary-General to ensure that the United Nations country task force on monitoring and reporting continues its ongoing work and advocacy for the release and reintegration of children associated with armed groups and armed forces, and to continue engagement with the Civilian Joint Task Force to develop and sign an action plan to end and prevent the recruitment and use of children.

9. The Working Group agreed to recommend that the President of the Security Council transmit a letter by the Chair of the Working Group to the President of the Peace and Security Council and the Chairperson of the African Union Commission:

(a) Welcoming the commitments made by the African Union and the Multinational Joint Task Force to peace and security in Nigeria and neighbouring countries affected by the actions of Boko Haram and to the protection of children affected by armed conflict;

(b) Stressing the need for all military action against Boko Haram to be conducted in compliance with international humanitarian law, in particular the principles of distinction and proportionality enshrined therein;

(c) Further encouraging Multinational Joint Task Force contributing countries to continue their cooperation with the United Nations regarding child protection issues;

(d) Strongly encouraging the Peace and Security Council to include in the mandate of the Multinational Joint Task Force specific provisions for the protection of children, and encouraging the Task Force to issue a Force Commander's directive on the protection of children encountered during military operations, including their handover to civilian child protection authorities for appropriate assistance and protection;

(e) Encouraging the Multinational Joint Task Force to deploy child protection officers or designate child protection focal points within the Task Force to contribute to training, capacity-building and advocacy on violations and abuses committed against children.

10. The Working Group agreed to recommend that the President of the Security Council transmit a letter to the Chair of the Security Council Committee pursuant to resolutions 1267 (1999), 1989 (2011) and 2253 (2015) concerning Islamic State in Iraq and the Levant (Da'esh), Al-Qaida and associated individuals, groups, undertakings and entities:

(a) Recalling paragraph 7 (b) of resolution 1882 (2009), by which the Security Council requested enhanced communication between the Working Group and relevant Security Council sanctions committees, including through the exchange of pertinent information on violations and abuses committed against children in armed conflict;

(b) Encouraging the continued sharing of relevant information by the Special Representative of the Secretary-General for Children and Armed Conflict with the Committee and the Working Group;

(c) Encouraging the Committee to continue to consider the designation for sanctions of individuals and entities, in accordance with the rules and guidelines of the Committee.

Direct action by the Working Group

11. The Working Group also agreed to address letters from the Chair of the Working Group to the World Bank and other donors as follows:

(a) Stressing the critical needs of children in Nigeria and neighbouring countries and calling upon the World Bank and donors to support the Government in developing and implementing national policies, programmes and initiatives to enhance the protection of children;

(b) Requesting in this regard the World Bank and other donors to provide flexible, predictable and adequate funding and support to the Government and relevant humanitarian and development partners, to strengthen child protection efforts, including:

(i) The establishment of age assessment mechanisms in the Civilian Joint Task Force to prevent the recruitment and use of children in violation of applicable international law;

(ii) The development and implementation of sustainable multisectoral rehabilitation and reintegration programmes for children formerly associated with armed groups, emphasizing the importance of psychosocial support, socioeconomic reintegration and community reconciliation as well as prevention of rerecruitment and use of children in Nigeria;

(iii) The bolstering of systems providing access to appropriate education and vocational training as well as health care and nutrition for all children affected by armed conflict, including children with disabilities and other particularly vulnerable children, inter alia, orphans and unaccompanied children;

(iv) The establishment of birth and late birth registration as a means to prevent the recruitment and use of children in violation of applicable international law in Nigeria;

(v) The development and implementation of sustainable, long-term strategies to end and prevent all violations and abuses against children in armed conflict in Nigeria, and programming and research on the prevention of radicalization of children and youth;

(vi) The development and implementation of sustainable, long-term strategies to end and prevent sexual and gender-based violence against children in armed conflict in Nigeria, including by addressing stigma, discrimination and the

specific needs of girls who have been victims of sexual violence during their captivity by Boko Haram and of children born out of rape and their mothers;

(vii) The provision of technical assistance to build and strengthen the protection and response capacity of child protection personnel at both the governmental and non-governmental levels;

(viii) The monitoring of all violations and abuses against children in armed conflict to identify trends and patterns and related child protection priorities and enhance child protection programming accordingly, including supporting the implementation of and compliance with commitments and action plans to end and prevent violations and abuses against children;

(c) Inviting the World Bank and other donors to keep the Working Group informed of their funding and assistance efforts, as appropriate.

Annex

Statement by the Deputy Permanent Representative of Nigeria to the United Nations on the report of the Secretary-General on children and armed conflict in Nigeria, made at the 67th meeting of the Working Group on Children and Armed Conflict

We wish to express Nigeria's appreciation to the United Nations for all the support and invaluable contribution to our efforts at combating the menace of terrorism. We want to thank the Secretary-General for his report on children and armed conflict in Nigeria from 2013 to 2016.

The Secretary-General's report was very detailed in respect of the heinous activities of Boko Haram in the north-east of Nigeria, and so, we will not belabour the issue. However, we want to quickly state that, under the leadership of President Muhammadu Buhari, the ugly trend of Boko Haram capturing and controlling territories was successfully halted and the entire area of the north-east fully liberated.

The resultant refugee crisis was not unexpected, given the enormity of the humanitarian challenges the military had to cope with in ensuring proper profiling of the insurgents that had been captured, and rehabilitation and integration of the liberated victims. The report cited cases of credible allegations of violation of children at the camps by the Nigerian military. These allegations are inconsistent with Nigeria's staunch support of and adherence to the protection of children in conflict areas of Nigeria and the world at large. Under the watch of the current Nigerian Government, our military has continued to ensure that it conducts its operations with a high sense of civility in accordance with their rules of engagement. Collateral damages cannot be absolutely avoided when fighting a war. This accounts for the reported casualties (including children) recorded during the prosecution of the war.

The report also touched on the activities of the Civilian Joint Task Force. The Task Force was a child of necessity, whose mode of operation was rudimentary at the beginning. The Government has since organized and structured it, as indicated in the report. The issue of children being recruited into the Task Force has been addressed with the introduction of rules of procedure that only allow children of 18 years of age or above as informants or volunteers.

We are implementing the provisions of the two ratified Optional Protocols to the Convention on the Rights of the Child, on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography.

The Nigerian Government launched the Safe Schools Initiative, aimed at providing education and piloting safe education facilities in the conflict-affected areas of the north-east. Nigeria also endorsed the Safe Schools Declaration, by which it committed to implementing the Guidelines for Protecting Schools and Universities from Military Use during Armed Conflict.

Nigeria's laws and policies on the promotion and protection of the rights of children reflect our commitment to the relevant international instruments to which we are signatory. The Government is operating an enabling environment that provides children with equal opportunities, protects their rights and facilitates their full participation in society. A national child policy is in place to further facilitate the actualization of the rights enshrined in the Convention on the Rights of the Child and the Child's Rights Act.

The Child's Rights Act, which was signed into law in 2003, prohibits all physical and mental abuse of children. The Government was at the vanguard of supporting and ratifying the Protocol to the African Charter on Human and Peoples'

Rights on the Rights of Women in Africa; article 6 of the Charter sets the minimum age for marriage at 18. The Government also adopted a national action plan to monitor compliance with international human rights obligations. Within this framework, a human rights commissioner was appointed as special rapporteur on the rights of children. The mandate for this position was to monitor and assemble data on child rights abuse.

The Government has also set up agencies with a mandate to protect children. The National Human Rights Commission, established in 1995 to protect and enforce human rights in general, is very active in the fight against child abuse. The National Agency for the Prohibition of Trafficking in Persons works in partnership with United Nations agencies and other government institutions, at both the federal and state levels, to carry out the fight against trafficking in persons, preventing trafficking, rehabilitating trafficked persons and prosecuting offenders with particular emphasis on child trafficking.

A national priority agenda for vulnerable children (2013–2020) has been developed as a strategic framework to guide the multisectoral operationalization of the Vision 20:2020 strategies and objectives of ensuring the protection of the most vulnerable children in Nigeria. Funding has been made available to bolster public awareness. The Government also created the Children's Parliament, as well as public holidays such as Children's Day and Day of the African Child. Several non-governmental organizations also complement the efforts of the Government.

The federal Government also signed an agreement with the International Labour Organization and the International Programme on the Elimination of Child Labour to establish shelter centres to rehabilitate trafficked children and reunite them with their families. In addition, the Government recently adopted the National Policy on Child Labour, aimed at protecting children against all kinds of abuse in the workplace and all forms of labour that militate against the proper development of the child. This is in line with our approach to fighting human trafficking, which combines law enforcement with policies aimed at prevention of trafficking and protection of the victim.

Nigeria is aware of the challenges in the fight to protect children and acknowledges that there is still work to be done. The Government is firmly committed to the task of protecting her children and counts on the continued support of the United Nations in this regard. The Government will uphold all its obligations under relevant international instruments pertaining to international humanitarian law.